

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

EKJ&D, LLC,

Plaintiff,

vs.

CARL L. GREEN,

Defendant.

**8:12CV318**

**MEMORANDUM AND ORDER**

This matter is before the court on the findings and recommendation of the magistrate judge, Filing No. [5](#), and the objections filed by the pro se defendant, Filing No. [6](#). The plaintiff initially filed this case in state court alleging defendant failed to pay the attorney fees due and owing to the firm. Filing No. [1](#). Defendant answered and then filed a notice of removal to this court, alleging various debt collection violations pursuant to [15 U.S.C. § 1692](#) in his counterclaims and third-party claims.

Following the filing of this case in federal court, the magistrate judge issued an order sua sponte as to why this case should not be dismissed for lack of subject matter jurisdiction. Filing No. [2](#). The defendant filed a copy of his third-party complaint and argued that debt collection laws preempt state law action. Filing No. [3](#). The magistrate judge reviewed the pleadings and determined that this court has no jurisdiction over the matter, as the case does not involve the Fair Debt Collection laws based on the allegations in the complaint. Defendant objected, Filing No. [6](#), contending this court should exercise its supplemental jurisdiction and allow independent claims.

Pursuant to [28 U.S.C. § 636](#), the court has carefully reviewed the pleadings, findings and recommendation, and the objections filed by the defendant. The court

finds no error of fact or law and consequently will adopt the findings and recommendation of the magistrate judge.

THEREFORE, IT IS ORDERED:

1. The objection, Filing No. 6, filed by the defendant is overruled.
2. The findings and recommendation of the magistrate judge, Filing No. 5, are adopted in their entirety.
3. This case is remanded back to the County Court of Douglas County, Nebraska.

Dated this 3<sup>rd</sup> day of December, 2012.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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